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November 4, 2005

Honorable Rya W. Zobel  
United States District Court  
District of Massachusetts  
1 Courthouse Way  
Boston, MA 02210

RE: Phillip Marotta v. Mi-Jack Products, Inc., et al  
C.A. No: 05-10823RWZ

Dear Judge Zobel:

Pursuant to your instructions at the Status Conference held before you on August 24, 2005, please be advised that the instant case which is concurrently filed in Suffolk Superior Court is scheduled to be heard on Plaintiff's Motion for Consolidation with two other seemingly identical longshore cases which are also presently pending in Suffolk Superior Court as set out in detail in Plaintiff's Motion before you to Stay Proceedings To Afford An Opportunity For The Phillip Marotta Case To Be Consolidated in Suffolk Superior Court, after which this case will be dismissed in the Federal Court. The hearing on the Motion to Consolidate at Suffolk Superior Court is scheduled to be heard on November 21, 2005 at 2:00 p.m. Unless otherwise advised by your Honor, I will inform your clerks immediately upon receipt of the decision by Suffolk Superior Court with reference to the Motion to Consolidate and elect the forum in which the Marotta case will be litigated.

Very truly yours,  
  
John P. LeGrand

cc: Christopher A. Kenney, Esquire  
Anthony L. DeProspo, Jr., Esquire  
Mark B. Lavoie, Esquire  
Christopher W. Costello, Esquire